

# United States District Court

## EASTERN DISTRICT OF WISCONSIN

### COURT MINUTES

HON. **William E. Duffin**, presiding.

Deputy Clerk: Mary Murawski

DATE: **February 1, 2019 at 10:00 A.M.**

Court Reporter: Liberty

CASE NO. **16-CR-021**

Time Called: 10:01:38

UNITED STATES v. **Samy Mohammed Hamzeh**

Time Concluded: 10:19:16

PROCEEDING: **Status Conference re: Conditions of Release**

UNITED STATES by: **Benjamin Taibleson**

PROBATION OFFICER: **Hannah Graham**

DEFENDANT: **Samy Mohammed Hamzeh**, in person, and by

ATTORNEY: **Craig Albee**

#### COURT:

- Here today to review location monitoring level as noted in the Release Status Report from Pretrial.
- Mr. Hamzeh requesting to be reduced from home detention to curfew status.
- He has complied with conditions of release for last 6-7 months.
- Govt is objecting.

#### ALBEE:

- Mr. Hamzeh has been working full-time and Saturdays for overtime. Working 48 hours a week on third-shift. Deft works in Ozaukee County which is a 45 minute drive one-way.
- Because of how much he works, curfew will not leave a whole lot of extra free time.
- Deft on GPS.
- Cumbersome for Pretrial and defendant to have to stay in contact for everything he does. Deft has been compliant.
- Believe curfew would be from 5:30 P.M. to 8:30 AM.

#### PRETRIAL SERVICES OFFICER:

- General rule when on curfew status is to be in the house 9 hours out of a day.
- With Mr. Hamzeh working third-shift works out. He has been going to afternoon prayer which he notifies PTO about.
- His day pretty much is work, the commute and religious services. The days he does not work, he goes to the gym, Saturday, Sunday and Monday.
- If he was to be out past curfew time, that would be up to her supervisor and what they deem appropriate. Schedule would have to change when he is not working.

TAIBLESON:

- It is right when a defendant is released to Pretrial, he is subjected over time to less restrictive conditions.
- In any other case, when a defendant is released to Pretrial it is because of a judgment with respect to his risk of non-appearance and danger to the community. This is not what happened here.
- The defendant has taken the position that he is not a danger to the community. Judge Pepper Pepper, as well as Magistrate Judge Jones rejected that position.
- What happened here Judge Pepper ordered Mr. Hamzeh released based on the amount of time he had been detained and how certain governing statute operated, statute adjacent to Speedy Trial Act. He is out for that reason and that reason alone and so government is objecting.

COURT:

- Deft was released by Judge Pepper because the court concluded that continued detention was in violation of Speedy Trial Act and due process clause. This is atypical; not the normal situation.
- Appreciate that a reduction of curfew adds some flexibility for both the Mr. Hamzeh and Ms. Graham.
- Under the circumstances, the court agrees with the government, given the reason why Mr. Hamzeh was released.
- Court denies the motion.

COURT discusses with counsel the pending motions.

- Makes more sense to file one composite motion of all remaining pretrial/discovery issues.
- **Motion Deadline: February 15, 2019. Government response: March 1, 2019. Reply: March 8, 2019**